

Amendment No. 2 to HB3049

Fitzhugh
Signature of Sponsor

AMEND Senate Bill No. 2959*

House Bill No. 3049

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-2-102, is amended by deleting subsection (a) in its entirety and by substituting the following as new subsections (a), (b), and (c) and by redesignating all existing subsequent subsections accordingly:

(a) The party requesting the patient's records is responsible to the provider for the reasonable costs of copying and mailing such patient's records. For other than records involving workers' compensation cases, such reasonable costs shall not exceed twenty dollars (\$20.00) for medical records five (5) pages or less in length and fifty cents (50¢) per page for each page copied after the first five (5) pages and the actual cost of mailing. Any third-party provider of record copying and related services shall be subject to the reasonable cost limits contained in this section and shall not impose any charge or fee for such services in excess of such cost limits. The costs charged for reproducing records of patients involved in a workers' compensation claim shall be as defined in § 50-6-204. A health care provider shall not charge a fee for copying or notarizing a medical record when requested by the department pursuant to a complaint, inspection or survey as set forth in § 63-1-117.

(b) Any increase in charges for copying and certifying medical records permitted by this section that is above those charges established by this section as it existed on January 1, 2010 shall not apply to requests for medical records made by the department of human services, and charges for copying and

certifying medical records requests made by the department of human services shall remain the same as existed under this section as of January 1, 2010.

(c) Upon request, the provider shall submit a notarized affidavit by the custodian of records certifying that the records provided in response to the request:

(1) Are true and correct copies of records in the custody of the affiant;

(2) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of and a business duty to record or transmit those matters;

(3) Were kept in the course of regularly conducted activity; and

(4) Were made by the regularly conducted activity as a regular practice.

In addition to the charge for the copies of the record, the provider may charge up to twenty dollars (\$20.00) for the affidavit described in this subsection (c), and the records submitted with that affidavit, and the affidavit shall qualify for the business records exception to the hearsay rule.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.